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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BARBARA HUBBARD

Plaintiff,

vs.

WALGREEN CO. dba WALGREENS
#06255; 1 HUNTER, LLC; 1 LAKE LLC,

Defendants.

1 HUNTER, LLC; 1 LAKE LLC,

Cross-Claimants

vs.

WALGREEN CO., dba WALGREENS
#06255

Cross-Defendants

Case No. '08 CV 0072 JM POR

**ANSWER TO COMPLAINT BY
DEFENDANTS 1 HUNTER, LLC
AND 1 LAKE, LLC**

JURY TRIAL DEMANDED

Complaint filed: Jan. 11, 2008

Comes now, Defendants 1 Hunter, LLC and 1 Lake LLC, (hereinafter "Defendants")
separating themselves from all others, answers Plaintiff's Complaint as follows:

ANSWER TO COMPLAINT BY DEFENDANTS 1 HUNTER, LLC AND 1 LAKE, LLC

Case No. '08 CV 0072 JM POR

1. Defendants admit that Plaintiff has filed the instant action, but deny the remainder of the allegations in paragraph 1 based on lack of information and belief.
2. Defendants admit the allegations in paragraph 2.
3. Defendants admit the allegations in paragraph 3.
4. Defendants deny the allegations in paragraph 4 based upon a lack of information and belief.
5. Defendants deny the allegations in paragraph 5 based upon a lack of information and belief.
6. Defendants admit that venue is appropriate, but deny the remainder of the allegations in paragraph 6.
7. As for paragraph 7, Defendants admit that they are limited liability companies that jointly own the property located at 621 "I" Street, Chula Vista, CA 91910. Defendants further admit that Defendant Walgreen Co. is a corporation that operates and leases the store at that Chula Vista location. Defendants deny the remainder of the allegations in paragraph 7.
8. Defendants lack sufficient information or belief to admit or deny the allegations of paragraph 8 and thus must deny all allegations therein on that basis.
9. Defendants admit the allegations in paragraph 9.
10. Defendants lack sufficient information or belief to admit or deny the allegations of paragraph 10 and its subparts and thus must deny all allegations therein on that basis.
11. Defendants lack sufficient information or belief to admit or deny the allegations

of paragraph 11 and thus must deny all allegations therein on that basis.

12. Defendants lack sufficient information or belief to admit or deny the allegations of paragraph 12 and thus must deny all allegations therein on that basis.

13. Defendants deny the allegations in paragraph 13.

14. Defendants deny the allegations in paragraph 14.

15. Defendants deny the allegations in paragraph 15.

16. In responding to paragraph 16 of the Complaint, Defendants incorporate its answers to paragraphs 1 through 15 above as though fully setforth herein.

17. Paragraph 17 is a statement of law and thus no response is required.

18. Defendants deny the allegations in paragraph 18.

19. Paragraph 19 is a statement of law and thus no response is required.

20. Paragraph 20 is a statement of law and thus no response is required.

21. Defendants deny the allegations in paragraph 21.

22. Defendants deny the allegations in paragraph 22.

23. Defendants admit the building was designed or constructed after January 26, 1992. Defendants deny the remainder of the allegations in paragraph 23.

24. Paragraph 24 is a statement of law and thus no response is required.

25. Defendants deny the allegations in paragraph 25.

26. Based upon lack of information and belief, Defendants deny the allegations in paragraph 26.

27. Paragraph 27 is a statement of law and thus no response is required.

28. Defendants deny the allegations in paragraph 28.

29. Paragraph 29 is a statement of law and thus no response is required.

1 30. Defendants deny the allegations in paragraph 30.

2 31. In responding to paragraph 31, Defendants admit that Plaintiff seeks certain
3 relief under the ADA, but deny that
4 they violated the ADA.

5 32. In responding to paragraph 32, Defendants admit that Plaintiff seeks declaratory
6 relief, but deny that they violated the ADA.

7 33. In responding to paragraph 33 of the Complaint, Defendants incorporate its
8 answers to paragraphs 1 through 30 above as though fully setforth herein.

9 34. Paragraph 34 is a statement of law and thus no response is required.

10 35. Paragraph 35 is a statement of law and thus no response is required.

11 36. Paragraph 36 is a statement of law and thus no response is required.

12 37. Defendants deny all allegations in Paragraph 37.

13 38. Defendants admit that Plaintiff seeks the remedies as stated in paragraph 38, but
14 deny the remainder of the allegations therein.

15 39. Defendants admit that Plaintiff seeks the remedies as stated in paragraph 39, but
16 deny the remainder of the allegations therein.

17 40. In responding to paragraph 40 of the Complaint, Defendants incorporate its
18 answers to paragraphs 1 through 30 above as though fully setforth herein.

19 41. Paragraph 41 is a statement of law and thus no response is required.

20 42. Paragraph 42 is a statement of law and thus no response is required.

21 43. Paragraph 43 is a statement of law and thus no response is required.

22 44. Defendants deny all allegations in paragraph 44.

23 45. Defendants deny all allegations in paragraph 45.

1 46. Defendants admit that Plaintiff seeks damages against the defendants, but denies
2 the remainder of the allegations in paragraph 46.

3 47. Defendants admit that Plaintiff seeks the remedies and damages as stated in
4 paragraph 47, but denies the remainder of the allegations.

5 48. In responding to paragraph 48 of the Complaint, Defendants incorporate its
6 answers to paragraphs 1 through 13 above as though fully setforth herein.

7 49. Paragraph 49 is a statement of law and thus no response is required.

8 50. Paragraph 50 is a statement of law and thus no response is required.

9 51. Defendants deny all allegations in paragraph 51.

10 52. Defendants admit that Plaintiff seeks the remedies and damages as stated in
11 paragraph 52, but denies the remainder of the allegations.
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15 AFFIRMATIVE DEFENSES

16 Defendants raise the following affirmative defenses in response to Plaintiff's Complaint
17 herein:

- 18 1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
19 2. The Complaint, and all causes of action therein, are barred by the statute of
20 limitations and the statute of frauds;
21 3. The Complaint, and all causes of action therein, are barred by unclean hands;
22 4. The Complaint, and all causes of action therein, are barred by waiver;
23 5. The Complaint and all causes of action therein, are barred by laches;
24 6. The Complaint, and all causes of action therein, are barred by the doctrine of
25 equitable estoppel;
26

10. The Complaint, and all causes of action therein, are barred by Plaintiff's failure to mitigate damages.

John W. Howard
Attorney for Defendants
1 Hunter, LLC and 1 Lake, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2008, I electronically filed the foregoing *ANSWER TO COMPLAINT BY DEFENDANTS I HUNTER, LLC AND I LAKE, LLC* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their e-mail address:

Lynn Hubbard, III
Law Offices of Lynn Hubbard
12 Williamsburg Lane
Chico, CA 95926
Email: usdco@hubslaw.com

Because Defendant Walgreen Co. has not appeared in the action, they will be personally served with the documents. Subsequently, an Amended Certificate of Service will be filed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of February 2008 at San Diego, California.

/s/ Elisa Marino

Elisa Marino